

Notice of Allowability

Application No.

09/940,509

Examiner

Alain L. Bashore

Applicant(s)

DUNNING ET AL.

Art Unit

1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2-21-06.
2. ☒ The allowed claim(s) is/are 1-76.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

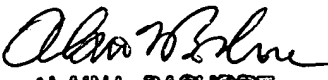
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


ALAIN L. BASHORE
PRIMARY EXAMINER

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-76 are allowed.
2. The following is an examiner's statement of reasons for allowance:

The present invention includes independent claims 1, 23, 45, 54. Claim 1 recites a computer-implemented method for enabling investors to participate in market activity and preserve principal, claim 23 recites a system configured to enable investors to participate in market activity and preserve principal, claim 45 recites a computer-implemented method of investing, in which the investor participates in market activity while protecting principal, claim 54 recites a computer-implemented method for enabling investors to participate in market activity and preserve principle.

King is considered the closest prior art. King teaches calculating the terms of a loan based on the activity of a securities market. The loan interest rate of King is calculated on a yearly basis from the current yield of a security and the number of years remaining to maturity.

King does not disclose the combination claimed in each independent claim including:

In claim 1:

allowing, via the host computer, a purchaser of an investment instrument to select a return-generating model for the investment instrument from at least two different return-generating models, at least one of said return-generating models being based at least one of fully and partially on the activity of a market index at the end of the at least one of said term and said date of maturity.

In claim 23:

at least two return-generating models for an investment instrument configured to allow the purchaser to chose at least one of the return-generating models for the investment instrument;

a first module configured for calculating the return earned by the investment instrument according to the return-generating model selected by the purchaser;

a second module configured for calculating the principal of the investment instrument by adding the return to the face value;

a module configured for distributing to the purchaser the monetary equivalent of at least one of the principal, and the return at the end of at least one of the term and

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the date of maturity.

In claim 45:

selecting via the host computer, a return-generating model for the investment instrument from at least two different return-generating models, at least one of said return-generating models being based at least one of fully and partially on the activity of a market index

receiving the monetary equivalent of the face value of the interest at the end of at least one of said term and said date of maturity.

In claim 54:

allowing, via the host computer, a purchaser of an investment instrument to select a return-generating model for the investment instrument from at least two different return-generating models, at least one of said return-generating models being based at least one of fully and partially on the activity of a market index

distributing the monetary equivalent of at least on of said principal and said return to the purchaser at the end of the term.

For these reasons claims 1, 23, 45, 54 are deemed to be allowable over the prior art of record, and claims 2-22, 24-44, 46-53, 55-76 are allowable by dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


3. Allowable subject matter may require further review for applications in class 705 before a notice of allowance is mailed to applicant. The time period for review may vary from application to application.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 571-272-6739. The examiner can normally be reached on about 7:30 am to 5:00 pm (Mon. thru Thurs.).

Regarding all Class 705 applications, the management contact regarding examination is: Vincent Millin (SPE, art unit 3624) at 571-272-6747.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alain L. Bashore
Primary Examiner
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